REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow. Claims 2, 4, 8, 12-14, 21-23, and 29 were cancelled previously. Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 are pending in this application.

I.   **Rejection of Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 Under 35 U.S.C. § 103(a)**

In section 3 of the Office Action, Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0141740 to Matsui (*Matsui*) in view of U.S. Patent Publication No. 2003/0195979 to Park (*Park*). Applicants respectfully disagree because *Matsui* and *Park*, alone and in combination, fail to teach, suggest, or disclose all of the elements of at least independent Claims 1, 18, 20, and 24-26.

Independent Claim 1, with emphasis added through underlining, recites in part:

> sending a response to the received first request from the
> streaming server to the streaming client, the response including
> a plurality of error resilience levels supportable by the
> streaming server in sending the media to the streaming client,
> <u>wherein the plurality of error resilience levels includes a first
> error resilience level indicating a default error resilience level
> of the streaming server and a second error resilience level
> indicating an alternative error resilience level</u>;

Independent Claim 18, with emphasis added through underlining, recites in part:

> receiving means for receiving streaming media sent from a
> streaming server to the client device via a transmission channel
> and for receiving a plurality of error resilience levels
> supportable by the streaming server in streaming the media to
> the client device, <u>wherein the plurality of error resilience levels
> includes a first error resilience level indicating a default error
> resilience level of the streaming server and a second error
> resilience level indicating an alternative error resilience level</u>;

Independent Claim 20, with emphasis added through underlining, recites in part:

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receiving means for receiving a first request for media from a
streaming client and for receiving a second request from the
streaming client, the second request including an error
resilience level selected from a plurality of error resilience
levels, <u>wherein the plurality of error resilience levels includes a
first error resilience level indicating a default error resilience
level of the streaming server and a second error resilience level
indicating an alternative error resilience level</u>

Independent Claim 24, with emphasis added through underlining, recites in part:

send a response to a first device requesting media, the response
including a plurality of error resilience levels supportable when
sending the media to the first device, <u>wherein the plurality of
error resilience levels includes a first error resilience level
indicating a default error resilience level of the streaming server
and a second error resilience level indicating an alternative
error resilience level</u>;

Independent Claim 25, with emphasis added through underlining, recites in part:

receive a response from the streaming server, the response
including a plurality of error resilience levels supportable by the
streaming server when sending the media, <u>wherein the plurality
of error resilience levels includes a first error resilience level
indicating a default error resilience level of the streaming server
and a second error resilience level indicating an alternative
error resilience level</u>;

Independent Claim 26, with emphasis added through underlining, recites in part:

receiving a response from the streaming server at the streaming
client, the response including a plurality of error resilience
levels supportable by the streaming server when sending the
media, <u>wherein the plurality of error resilience levels includes a
first error resilience level indicating a default error resilience
level of the streaming server and a second error resilience level
indicating an alternative error resilience level</u>

At paragraphs [0247]-[0248], *Matsui* states:

While in this second embodiment the user sets the anti-error
intensity of the video data to be received first among the plural
video data corresponding to the same video sequence and
having different anti-error intensities, <u>the anti-error intensity of</u>

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the video data to be received first may be a default value that is unique to the receiving terminal.

In this case, the receiving terminal requests a video stream corresponding to a video element suited to the default value of the anti-error intensity, among the plural video elements 711~714 described in the SMIL file FSD2, and receives this video stream. Thereafter, in the receiving terminal, the video stream being received is switched to a video stream having an appropriate anti-error intensity according to the incidence of error during reception of the video stream.

(Underlining added).

Matsui consistently and repeatedly describes the setting of the default value at the receiving terminal and not at the server. (*See* paras. [0284], [0297], [0298], [0303], [0306], [0312], [0314]). For example, *Matsui* states that the "audio or text data suited to the anti-error intensity of data to be received, which is set by the user in the receiving terminal or set as a default value of the receiving terminal, is selected from among plural pieces of audio data or text data." (Para. [0284]; underlining added). Additionally, *Matsui* states that the "the transmission error is equal to or larger than the default value (predetermined value) set in the receiving terminal." (Para. [0314]; underlining added). Thus, according to *Matsui*, the default value is unique to the receiving terminal, and a video stream is requested by the receiving terminal based on the default value that is unique to and known only at the receiving terminal.

Additionally, none of the video elements 711-714 is identified as having a default error resilience level in the SMIL file. (*See* Fig. 5(a)). In fact, nowhere does *Matsui* teach any knowledge of a default value at the server. Instead, the receiving terminal requests the video element suited to the default value which is described as unique to the receiving terminal. Therefore, *Matsui* fails to disclose, teach, or suggest describe "wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level" (underlining added) as recited in Claims 1, 18, 20, and 24-26. As taught by *Matsui*, the streaming client (receiving terminal) requests a stream based on a default value known at the streaming client, but is not provided "a first error resilience level indicating a default error resilience level of the streaming server."

Thus, *Matsui* fails to disclose, teach, or suggest all of the elements of at least independent Claims 1, 18, 20, and 24-26.

Park fails to cure the deficiencies of *Matsui*. On pages 4-5 of the Office Action, the Examiner states:

> However, *Matsui* does not explicitly disclose a default error resilience level of the streaming server.
>
> Nevertheless, *Park* discloses "the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats. At operation S105, the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20" (*Park* [0042-0043]) and "the server 40 packetizes and transmits the bit streams in the general coding format to the terminal 50" (*Park* [0053]).

However, even if *Park* provides the disclosure proposed by the Examiner, *Park* fails to disclose, teach, or suggest describe "wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level" (underlining added) as recited in Claims 1, 18, 20, and 24-26. *Park* fails to provide any disclosure, teaching, or suggestion that a general coding format is in any way related to a default error resilience level.

Park describes "a method for transmitting a packet for a multimedia streaming service which applies a modification of a coding format to a packetizing process according to a state of a network." (Para. [0003], lines 3-6). *Park* states:

> According to another aspect of the present invention, there is provided method of transmitting a packet to provide a multimedia streaming service to one or more terminals connected through a network, including: informing the one or more terminals of contents information comprising coding formats and playback time of contents; receiving a coding request from the one or more terminals to perform a coding process in one of the coding formats according to a state of the network; and packetizing and transmitting bit streams in the requested coding format to the one or more terminals.

(Para. [0016]; underlining added). *Park* further states that "when the network has an abnormal state in the receiving of the coding request, the coding format is modified into a packet resilient coding format to be resilient from a packet loss." (Para. [0017]; underlining added). Thus, according to *Park*, the server provides coding formats and the terminal selects a coding format based on the state of the network. If the network is in an abnormal state, the coding format selected is modified into a packet resilient coding format.

Park still further states:

> [0042] At operation S102, when the terminal 20 is connected to the server 10, the terminal 20 transmits the describe command to the server 10 to obtain the contents information. At operation S104, the server 10 transmits the contents information such as the coding formats and the playback time of the contents to the terminal 20. Here, the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats.

> [0043] At operation S105, the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20. At operation S106, the terminal 20 decodes the transmitted data in a decoding format suitable for the coding format and monitors the state of the network 30. ....

> [0044] At operation S108, when monitoring the abnormal state of the network 30, at operation S110, the terminal 20 requests the server 10 to modify the coding format into a packet resilient coding format to be resilient from the packet loss. At operation S112, the server 10 modifies the coding format into the packet resilient coding format, packetizes the bit streams in the modified format, and transmits the packetized bit streams i.e., the multimedia streams, to the corresponding terminals 20.

(Paras. [0042]-[0043]; underlining added). Thus, the server provides coding formats so that the terminal recognizes that there are at least two coding formats. If the network is in an abnormal state, the coding format selected is modified into a packet resilient coding format. Based on Applicants understanding of *Park*, the general coding format merely distinguishes the selected coding format from the packet resilient coding format which is selected if the network is in an abnormal state. *Park* provides no indication that the general coding format is a default coding format given that the terminal selects the coding format.

Park yet further states:

> At operation S201, the server 40 packetizes and transmits the bit streams in the <u>general coding format</u> to the terminal 50. In addition, at operation S202, the server 40 monitors the state of the network 30 connected to the terminal 50. At operation S204, <u>when the network 30 is deemed to have the abnormal state</u>, at operation S206, <u>the server 40 notifies the terminal 50 of a new coding format for modification</u>, that is, to packetize the bit streams in the new coding format. At operation S207, the terminal 50 transmits a feedback signal to the notified signal of the server 40.

(Para. [0053]; underlining added). Thus, again according to *Park*, if the network is in an abnormal state, the coding format selected is modified into a packet resilient coding format. Again, based on Applicants understanding of *Park*, the <u>general coding format</u> merely distinguishes the initially selected coding format from the <u>new coding format</u> which is selected if the network enters an abnormal state. *Park* provides no indication that the general coding format is a default coding format given that, like *Matsui*, the terminal selects the coding format. Therefore, *Park* fails to disclose, teach, or suggest describe "wherein the plurality of error resilience levels includes <u>a first error resilience level indicating a default error resilience level of the streaming server</u> and a second error resilience level indicating an alternative error resilience level" (underlining added) as recited in Claims 1, 18, 20, and 24-26.

A rejection under 35 U.S.C. 103(a) cannot be properly maintained where the references used in the rejection fail to disclose all of the recited claim elements. Claims 3, 5, 6, 9-11, 17, and 27-31 depend from one of Claims 1, 18, and 20. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32.

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 27, 2009   By _____

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